

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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SAGE HUMPHRIES, GINA MENICHINO,  
ROSEMARIE DeANGELO, DANIELLE  
GUTIERREZ, JANE DOE 1, and JANE DOE  
2,

Plaintiffs,

v.

MITCHELL TAYLOR BUTTON and  
DUSTY BUTTON,

Defendants.

Case No. 2:21-cv-01412-ART-EJY

**ORDER**

Pending before the Court is Defendants' Motion for the Court to Use the Correct Caption and Examine Imperative Facts. ECF No. 329. Also pending is Defendants' Motion Seeking a Court Order to Remove Juliet Doherty from the Case Caption. ECF No. 342.

Juliet Doherty's name was removed from the case caption and, thus, this request is moot. With respect to Defendants' inflammatory allegations regarding Ms. Doherty, the Court finds such allegations were unnecessary and unfounded.

With respect to Defendants' request that the Court examine facts, the Court finds this is a motion seeking reconsideration of decisions previously reached. The issue pertaining to the due date for dispositive motions was resolved by the Court's March 26, 2024 Order. ECF No. 330. Defendants' dissatisfaction with the Court's prior decision denying their request for case terminating sanctions and discussion of a police report they claim was withheld from production are arguments previously presented and addressed. ECF No. 327. Defendants offer no new facts, no change in the law, and no support for a finding of manifest injustice. Under Rule 59(e) reconsideration is granted only in highly unusual circumstances when the "district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." 389 *Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999). The Court "will generally not reexamine an issue previously decided by the same or higher court in the same case." *Mkhitaryan*

1 v. *U.S. Bank, N.A.*, Case No. 2:11-cv-01055-JCM-CWH, 2013 WL 211091, at \*1 (D. Nev. Jan. 18,  
2 2013) citing *Lucas Auto. Eng'g, Inc. v. Bridgestone/Firestone, Inc.*, 275 F.3d 762, 766 (9th Cir.  
3 2001).

4 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for the Court to Use the  
5 Correct Caption and Examine Imperative Facts (ECF No. 329) is DENIED as Defendants present  
6 no basis for re-examination of facts.

7 IT IS FURTHER ORDERED that Defendants' Motion Seeking a Court Order to Remove  
8 Juliet Doherty from the Case Caption (ECF No. 342) is DENIED as moot.

9 DATED this 12th day of June, 2024.

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12 ELAYNA J. YOUCHAH  
13 UNITED STATES MAGISTRATE JUDGE  
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